

20634

मिसिल सं०

File No. 261/1/6/2006 - Cab

अनुभाग

Section Cabinet

1-10
14.8.06

RECORDED
25/8/06

मंत्रालय / विभाग

Ministry / Department Cabinet Secretariat

कार्यालय

Office Rashtrapati Bhawan

S&C

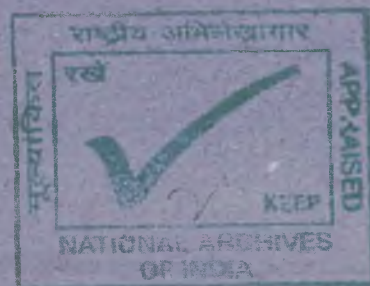
विषय

Subject

Report of Justice Mukherjee Commission on
Inquiry on the alleged disappearance of
Notari Subhash Chandra Bose - Action
taken Report.

पिछले हवाले
Previous Reference

बाद के हवाले
Later Reference



Keep
25/04/16

F.no. 261/1/6/2006 - Cab.

CHECKLIST IN REGARD TO EXAMINATION OF A NOTE FOR THE CABINET

Dy. No. : 02842006

File No. 261/1/6/2006-Cab

PART - I

- 1 NOTE FOR CABINET/COMMITTEE: **Cabinet**
- 2 FROM MINISTRY/DEPTT.: **Ministry of Home Affairs**
- 3 SUBJECT: **Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose-Action Taken Report.**

PART - II

- | | | | |
|---|--|-----|--|
| 1 | Physical Presentation of the note satisfactory (Whether name of the Ministry given, security grading, Sl.No. of copies, page-numbering, clarity of typing, etc.) | Yes | |
| 2 | Contents of the note satisfactory | Yes | |
| 3 | Statement of implementation schedule attached | Yes | |
| 4 | Press brief attached | No | Justification is given in the forwarding memo. |
| 5 | Hindi version attached | No | |
| 6 | Consultation/concurrence of the Ministries/Deptts. Completed | No | Not mandatory. |
| 7 | Approval para in order | Yes | |
| 8 | Approval of the Minister-in-charge obtained | Yes | |

PART - III

S.No. Department(s) Consulted

Secretary to be present

- | | | |
|---|-----------------------------|-----|
| 1 | Ministry of Home Affairs | Yes |
| 2 | Department of Legal Affairs | No |

Handwritten notes and signatures:

- May be accepted.*
- 04.05.06*
- DS(s)*
- JS (RK)*
- 4.5.06*
- 4/5/06*
- 6/5/06*
- DS(s)*
- 8/5/06*
- S.No 2 (A) - 23/c*
- S.No 3 (A) - 24/c*
- S.No 4-7 (A) - 25-33/c*
- S.No 8-9 (A)*
- 34-37*

from pre-pass.

The ATR had already been placed in the Parliament. File may be recorded as C-10.

DS(s)

SoB

DM

11.8.06

in.

11/8/06

m 5135

Ref. above.

Needful has been done. File may be recorded as C-10 please.

S
14/8/06

DM

14.8.06

CORRESPONDENCE

Secret
Most Immediate

File No. 12014/8/2006-NCB.II
Government of India
Ministry of Home Affairs

Lok Nayak Bhavan, New Delhi
Dated the May 4, 2006.

OFFICE MEMORANDUM

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

The undersigned is directed to send herewith 65 (sixty-five) copies of English version of the Note on the above subject for placing before the Cabinet for consideration.

2. Five copies of the Commissions of Inquiry Act, 1952, referred to in the Note, are also enclosed.

3. As the subject matter is secret in nature, no Draft Press Briefing has been prepared.

4. A copy of the Cabinet Note has been sent separately to PMO for information.

Sugoswami
4/5/06
(S.K. Goswami)

Under Secretary to the Govt. of India
Tel. 2461-0466

Encl: As above.

Cabinet Secretariat,
[Shri K.L. Sharma, Deputy Secretary],
Room No. 12, Rashtrapati Bhavan,
New Delhi.

No.12014/8/2005-NCB.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

Dated: May 4, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. The Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith".

While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, differed and did not sign the report. The majority report was accepted by the Government of India.

2. However, because of continual demand for a fresh inquiry into the matter, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to

Secret

“inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government”. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

3.0 **Appointment of Justice Mukherjee Commission of Inquiry**

3.1 The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was consistent demand for fresh inquiry into this matter. In a Writ Petition filed before the Kolkata High Court, a Division Bench, by its judgment dated 30th April, 1998, directed the Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry. This was followed by a motion adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should enable public access to all records and documents to demystify the matters in and outside India pertaining to the whereabouts of Netaji Subhas Chandra Bose.

3.2 Consequently, on 14th May, 1999 (copy of Notification is annexed at Annexure I) the Government of India appointed the Justice Mukherjee Commission of Inquiry (JMCI) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, to inquire into all the facts and circumstances related to the

disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.

4.0 **Findings of JMCI**

4.1 JMCI, after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and sieving through 308 exhibits, has submitted its findings on 8th November, 2005 as follows :-

- (a) Netaji Subhas Chandra Bose is dead.
- (b) He did not die in the plane crash, as alleged.
- (c) The ashes in the Japanese temple are not of Netaji.
- (d) In the absence of any clinching evidence a positive answer cannot be given.
- (e) Answer already given in (a) above.

4.2 (i) On (a), the JMCI has stated that Netaji is dead because the average Indian's life span is 70 – 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897).

(ii) On (b), the JMCI has concluded that Netaji did not die in the plane crash as documentary evidence such as medical certificate, cremation certificate, plane crash records etc. are not available.

(iii) On (c), the JMCI has stated that since the ashes collected were of Ichiro Okura – not of Netaji – the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.

(iv) On (d) and (e), the JMCI has stated that none of the versions regarding Netaji's death stands substantiated. Hence, the only legitimate inference that can be drawn is that "Netaji is no more".

5.0 **Limitations and constraints mentioned by the Commission**

5.1 The Commission has mentioned its limitations and constraints in Chapter Two of the Report. The Commission has observed that the following files/documents, which were not produced, would have been of assistance in answering the terms of reference :-

- i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose),
- ii) 'Contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978,
- iii) Some records of the proceedings/documents exhibited before the Khosla Commission, and
- iv) Two British Government files.

5.2 As regards (i), the Director, PMO, by letter dated 4-7-2000 had stated that file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding

Secret

6

Secret
No. 12014/8/2005-NCB.II
Ministry of Home Affairs

Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose was destroyed in 1972 in course of routine review/weeding of old records "records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter dated 31-10-2000 of Deputy Secretary, Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

5.3 As regards (ii) above, the Commission has observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 viz. "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file

merely included letters from non-Government personalities with reference to old newspapers and notes thereon.

5.4 Regarding (iii) above, the Commission was provided with all available records pertaining to the proceedings of the Khosla Commission. Some records of Khosla Commission could, however, not be retrieved in spite of vigorous efforts and, therefore, could not be supplied to the Commission for its scrutiny. An affidavit to this effect was provided to the Commission by the then Joint Secretary (Internal Security), MHA.

5.5 Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. The Commission was, however, withheld access to some papers from the files of Intelligence and Security agencies (reportedly not containing any additional information relating to Netaji's death) by the Foreign and Commonwealth Office of the British Government on the ground that they were 'closed.'

5.6 At the behest of the Commission, the MEA requested the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of CIA and McArthur papers. The response of the Director of Textual Archives Services Division was positive, while the US Embassy in India stated that they did not have any documents relevant to the period of Netaji's disappearance. Taking a cue from the US Embassy's letter dated 23-6-2003, the Commission requested MEA to engage some suitable willing scholars or students to do the job of

archival research on Netaji Subhas Chandra Bose at various American repositories. MEA has since informed vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

5.7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less charred bone pieces from the casket lying in their custody.

6.0 **Observations on the findings of the Commission**

6.1 The earlier Committee and Commission which enquired into the matter came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.

6.1.1 The Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are

in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

6.1.2 On this point, the Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."

6.2 The basis of JMCI's response to terms of reference (b) is the non-availability of papers relating to the plane crash. In this regard, the Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

Secret

10

Secret
No. 12014/8/2005-NCB.II
Ministry of Home Affairs

6.3 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.

6.4.1 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."

6.4.2 The death certificate relating to Ichiro Okura was also produced before the Khosla Commission which held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore, accept the contention that these documents relate to Bose and that they disprove the factum of his death."

6.5 The JMCI contacted some experts in India and abroad to conduct a successful DNA test on the mortal remains preserved in the Renkoji Temple. Most experts expressed doubt about the success of a DNA test on bone samples which had been subjected to high temperatures. Only one foreign company agreed to attempt mitochondrial DNA analysis of the remains, provided recognizable teeth or other anatomically identifiable parts remain. The Commission sought such assurance from the Temple authorities; but finally stated that it had not been able to get this DNA test done because of “reticent attitude” of the temple authorities, and their reminders to the MEA in this regard evoked no response.

6.5.1 Regarding non-receipt of response from MEA about the DNA test, MEA have since informed (in reply to D.O. letter dated 30-3-2006), that “It is MEA’s understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji.”

6.5.2 In response to D.O. letter dated 3-4-2006, the Director, Centre for Cellular and Molecular Biology, Hyderabad (where facilities are now available for study of ancient DNA), by his letter dated 4-4-2006 has since opined that “There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also

12

Secret
No. 12014/8/2005-NCB.II
Ministry of Home Affairs

like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left.”

6.5.3 In the light of the views expressed by the Director, CCMB, Hyderabad, it is apparent that no useful purpose may be served even if the mortal remains preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI that Netaji Subhas Chandra Bose is dead and that it may not be now possible to comprehensively establish the circumstances of his death. However, the Government may not accept the finding of JMCI that he did not die in the plane crash since the absence of documents does not conclusively disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

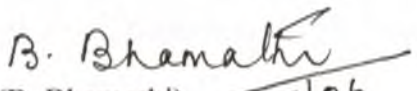
8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed at Annexure II.

9. Implementation Schedule is given in the Appendix.

10. Home Minister has seen and approved the Note.

Place: New Delhi.

Date: 4.5.2006.


(B. Bhamathi) 31/5/06
Joint Secretary to the Government of India

To

Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.

Secret

Secret
No. 12014/8/2005-NCB.II
Ministry of Home Affairs

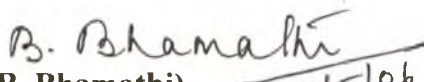
APPENDIX

No. 12014/8/2005-NCB.II
Government of India
Ministry of Home Affairs

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Gist of decision required	Benefits/result	Time frame and manner of Implementation/ Reporting to Cabinet Secretariat
Non-acceptance of the findings of the Justice Mukherjee Commission of Inquiry except that Netaji is dead.	Resolution of the controversy relating to the alleged disappearance/death of Netaji Subhas Chandra Bose.	As per provisions of Section 3(4) of the Commissions of Inquiry Act, 1952, the report will be tabled before the re-convened Session of both the Houses of Parliament in May 2006.


(B. Bhamathi) 31/5/06
Joint Secretary to the Government of India

ANNEXURE - I
(vide para 3.2 of the note)

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION (ii) OF THE
GAZETTE OF INDIA , EXTRAORDINARY DATED 14-5-1999)

Government of India
Ministry of Home Affairs

NOTIFICATION

New Delhi, the 14.5.1999.

S.O. 339(E) – Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

Secret
No. 12014/8/2005-NCB.II
Ministry of Home Affairs

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances

4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.

5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.

6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section (1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

Sd..
((Nikhil Kumar)
14.5.99.
Special Secretary (ISP)

(F.No. VI/11034/18/98-IS(D.III))

ANNEXURE – II
(vide para 8 of the note)

MEMORANDUM OF ACTION TAKEN ON THE REPORT
OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY
REGARDING THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1970 - 74.

3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

COMMISSION OF ENQUIRIES ACT 1952

(60 OF 1952)

(14th August, 1952)

An act to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

BE it enacted by Parliament as follows:-

1. Short title, extend and commencement- (1) This Act may be called the Commissions of Inquiry Act, 1952.

(2) [Note: Subs. By Act 79 of 1971, sec. 2 for sub-sec.(2)] It extends to the whole of India:

Provided that it shall apply to the State of Jam and Kashmir only in so far as it relates to inquiries pertaining to matters relatable to any of the entries enumerated in List 1 or List III in the Seventh to the Constitutions as applicable to that State.

(3) It shall come into force on such date

[Note: 1st October, 1952, vide Notification No. S.R.O. 1670, dated the 30th september, 1952, Gazette of India, Extra., Pt. II, sec. 3, p. 861. This Act, as amended by Act 79 of 1971, came into force in the state of Jammu and Kashmir on 6-3-1972 and in the districts of Kohima and Mokokchung in the state of Nagaland on 15-2-1972, vide Notification Nos. 94(E), dated 4th March, 1972 and 74(E), dated 14th February, 1972 respectively, issued under section 15 of Act 79 of 1971.]

as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions- In this Act, unless the content otherwise requires-

(a) "appropriate Government" means-

(i) the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List 1 or List III in the Seventh Schedule to the Constitution, and

(ii) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List II or List III in the Seventh Schedule to the Constitution.

[Note: Added by Act 79 of 1971, sec. 3.] Provided that in relation to the State of Jammu and Kashmir, these clauses shall have effect subject to the modification that-

in sub clause (i) thereof, for the words and figures "List 1 or List II or List III in the Seventh Schedule to the Constitution", the words and figures, List 1 or List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted.

In sub clause- (ii) thereof, for the words and figures "List II or list III in the Seventh Schedule to the Constitution, the words and figures

"List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir " shall be substituted.

"Commission" means a Commission of Inquiry appointed under Section 3

"prescribed" means prescribed by rules made under this Act.

2A Construction of references to laws not in force in the State of Jammu and Kashmir- [Note: Ins. by Act 79 of 1971, sec. 4.] Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

10

3. Appointment of Commission- (1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if resolution in this behalf is passed by ([Note : Subs. by Act 19 of 1990, sec 2, for certain words.] each House of Parliament or, as the case may be, the Legislature of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and with such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly.

Provided that where any such Commission has been appointed to inquire into any matter-

a. by the Central Government, no State Government shall, except with the approval of the Central Government, appoint another Commission to inquire into the same matter for so long as the Commission appointed by the Central Government is functioning.

b. by a State Government, the Central Government shall not appoint another Commission to inquire into the same matter for so long as the Commission appointed by the State Government is functioning, unless the Central Government is of opinion that the scope of the inquiry should be extended to two or more States.

2. The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one members, one of them may be appointed as the Chairman thereof.

3. [Note: Ins by Act 79 of 1971, sec.5.] The appropriate Government may, at any stage of an inquiry by the Commission fill any vacancy which may have arisen in the office of a member of the Commission (whether consisting of one or more than one member).

4. The appropriate Government shall cause to be laid before ([Note : Subs. by Act 19 of 1990, sec 2, for certain words.] each House of Parliament, or, as the case may be, the Legislature of the State), the report, if any, of the Commission on the inquiry made by the Commission under sub section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government. [Note: Sub section (5) and (6) omitted by Act 19 of 1990, sec. 2, which were inserted by Act 36 of 1986, sec. 2 (w.e.f. 14-5-1986).

4. Powers of Commission- The Commission shall have the powers of a

- civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely-

[Note: Subs. by Act 79 of 1971, sec. 6, for certain words] Summoning and enforcing the attendance of any person from any part of India and examining him on oath.

- Requiring the discovery and production of any document.
- receiving evidence on affidavits
- requisitioning any public record or copy thereof from any court or office
- issuing commissions for the examination of witnesses or documents
- Any other matter which may be prescribed.

5. Additional powers of Commission- (1) Where the appropriate Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of sub section (2) or sub section (3) or sub section (4) or sub section (5) should be made applicable to a Commission, the appropriate Government may, by notification in

19

the Official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry [(Note:- Ins. by Act 79 of 1971, sec.7) and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code, 1860 (45 of 1860)].

(3) The Commission or any officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any books of accounts or documents or take extracts or copies therefrom, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898 (5 of 1898), in so far as they may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (5 of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

5B. [(Note:- Ins. by Act 63 of 1988, sec.2) Power of Commission to appoint assessors- The Commission may, for the purpose of conducting any inquiry, appoint persons having special knowledge of any matter connected with the inquiry as assessors, to assist and advise the Commission in the inquiry and the assessors shall be entitled to such traveling and other expenses as may be prescribed.]

6. Statements made by persons to the Commission- No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement.

Provided that the statement

- is made in reply to a question which he is required by the Commission to answer, or
- is relevant to the subject matter of the inquiry

6A. Persons not obliged to disclose secret process of manufacture of goods in certain cases- [Note: Ins. by Act 79 of 1971, sec. 10, for sec. 7.] Except in cases where a Commission is expressly required to inquire into the process of manufacture of any goods, nothing in this Act shall be deemed to compel any person giving evidence before the Commission to disclose any secret process of manufacture thereof.

7. Commission to cease to exist when so notified- [Note: Subs. by Act 79 of 1971, sec. 10, for sec. 7.] (1) The appropriate Government may, by notification in the Official Gazette, declare that-

20

(a) a Commission other than a Commission appointed in pursuance of a resolution passed by ([Note: Subs. by Act 19 of 1990, sec. 3, for certain words] each House of Parliament or, as the case may be, the Legislature of the State) shall cease to exist, if it is of opinion that the continued existence of the Commission is unnecessary.

(b) a Commission appointed in pursuance of a resolution passed by ([Note: Subs. by Act 19 of 1990, sec. 3, for certain words] each House of Parliament or, as the case may be, the Legislature of the State) shall cease to exist if a resolution for the discontinuance of the Commission is passed by ([Note: Subs. by Act 19 of 1990, sec. 3, for certain words] each House of Parliament or, as the case may be, Legislature of the State).

(2) Every notification issued under sub section (1) Shall specify the date from which the Commission shall cease to exist and on the issue of such notification, the Commission shall cease to exist with effect from the date specified therein.

8. Procedure to be followed by the Commission- The commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) [Note: certain words omitted by Act 79 of 1971, sec. 11.]

8A. Inquiry not to be interrupted by reason of vacancy or change in the constitution of the Commission- [Note: Ins. by Act 79 of 1971, sec. 12.] (1) Where the Commission consists of two or more members, it may act notwithstanding the absence of the Chairman or any other member or any vacancy among its member.

(2) Where during the course of an inquiry before a Commission, a change has taken place in the constitution of the Commission by reason of any vacancy having, been filled or by any other reason, it shall not be necessary for the Commission to commence the inquiry afresh and the inquiry may be continued from the stage at which the change took place.

8B. Persons likely to be prejudicially affected to be heard – If, at any stage of the inquiry, the Commission-

(a) considers it necessary to inquire into the conduct of any person or

(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry.

The commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence.

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

8C. Right of cross examination and representation by legal practitioner- The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission.-

(a) May cross- examine a witness other than a witness produced by it or him,

(b) may address the Commission and

(c) may be represented before the Commission by a legal practitioner, or with the permission of the Commission, by any other person.

9. Protection of action taken in good faith- No suit or other legal proceeding shall lie against the appropriate Government, the Commission or any member thereof, or any person acting under the direction either of the appropriate Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or

orders may thereunder or in respect of the publication, by or under the authority of the appropriate government or the Commission, of any report, paper or proceedings.

10. Members, etc., to be public servants- Every member of the Commission and every officer appointed or authorised by the Commissioner in exercise of functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal code, 1860 (45 of 1860).

10A. Penalty for acts calculated to bring the Commission or any member thereof into disrepute- [Note: Ins. by Act 79 Of 1971, sec. 13.] (1) if any person, by words either spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commissioner or any member thereof into disrepute, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) [Note: Subs. by Act 63 of 1988, sec. 3, for sub section (2).] Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974), when an offence under sub section (1) is alleged to have been committed, the High Court may take cognizance of such offence, without the case being committed to it, into a complaint in writing, made by a member of a commission or an officer of the Commission authorised by it in this behalf.

(3) Every complaint referred to it in such section (2) shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(4) No High Court shall take cognizance of an offence under sub section (1) unless the complaint is made within six months from the date of which the offence is alleged to have been committed.

(5) A High Court taking cognizance of an offence under sub section (1) shall try the case in accordance with the procedure for the trial of warrant cases instituted otherwise than on a police report before a court of a Magistrate.

Provided that the personal attendance of a member of a Commission as a complainant or otherwise is not required in such trial.

(6) Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974) an appeal shall lie as a matter of right from any judgement of the High Court to the Supreme Court, both on facts and on law.

(7) Every appeal to the Supreme Court under sub section (6) shall be preferred within a period of thirty days from the date of judgement appealed from

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of thirty days.

Provided that a Commission shall sit in private on a request being made by the Central Government in that behalf.

11. Act to apply to other inquiring authorities in certain cases- Where any authority (by whatever name called), other than a Commission appointed under section 3, has been or is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that all or any of the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to sub section (1) of section 3, by notification in the Official Gazette, direct that the said provisions of this Act shall apply to that authority, and on the issue of such a notification that authority shall be deemed to be a Commission appointed under Section 3 for the purposes of this Act.

12. Power to make rules- (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

- a. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- the term of office and the conditions of service of the members of the Commission
- b. the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it.
- c. The powers of civil court which may be vested in the Commission
(cc) [Note: Ins. by Act 79 of 1971, sec. 14.] The travelling and other expenses payable to assessors appointed under section 5B, and to person summoned by the Commission to give evidence or to produce documents before it.
- d. any other matter which has to be, or may be, prescribed.

(3) [Note: Subs. by Act 4 of 1986, sec2 and sch., for certain words (w.e.f. 15-5-1986)] Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or (in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid) both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) [Note: Ins. by Act 4 of 1986, sec2 and sch., (w.e.f. 15-5-1986)] Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the Legislature



संयुक्त सचिव
JOINT SECRETARY

12141/06
10/5

S.NO 2 (R)

Secret

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

D.O.No. 12014/8/2006-NCB.II

B. Bhamathi,
Joint Secretary (Security)

Dated: May 10, 2006.

Dear Shri Sharma,

10 MAY 2006

A Cabinet Note regarding the report of the Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose, was placed before the Cabinet on 9th May, 2006. The issuance of the formal minutes is likely to take some time and the report is proposed to be placed before both the Houses of Parliament during the re-convened Session under the provision of Section 3(4) of the Commissions of Inquiry Act, 1952.

2. As there is urgency in the matter, I shall be grateful if you kindly authorize us to proceed further in the matter pending receipt of the formal minutes of the meeting.

With regards,

Yours sincerely,

B. Bhamathi
(B. Bhamathi) 10/5/06

Shri Vijai Sharma,
Additional Secretary,
Cabinet Secretariat,
New Delhi.

10/5/06
10/5/06

10/5/06



SECRET/MOST IMMEDIATE

VIJAI SHARMA
Additional Secretary
Tel: 2301 2697

D.O. No. 19/CM/2006

May 11, 2006

Dear Sir,

The Cabinet in its meeting held on 09.05.2006 considered the note dated 25.04.2006 04.05.2006 from the Ministry of Home Affairs regarding "**Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose - Action Taken Report**" and

- (i) observed that the Commission's inquiry was inconclusive in many ways, unable to provide a definitive finding on several issues and at variance with past well accepted Inquiry Commissions' findings in some critical areas; and
- (ii) directed that in the light of (i) above, the Action Taken Report specifically mention that Government did not agree with the findings that:
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji.

2. The minutes of the meeting will be issued in due course. In the meanwhile, this letter may be treated as an authority to take further action in the matter.

With regards,

Yours sincerely,

(VIJAI SHARMA)

Received
11/5/06
Shri V.K. Duggal,
Secretary,
Ministry of Home Affairs,
New Delhi.

Copy to :-

Principal Secretary to the Prime Minister

Sd/- S.K. Ghoshwami, US
M/o Home Affairs
I.C.No - Y-2044168

Vijai Sharma
(VIJAI SHARMA)

O/C

SECRETMOST IMMEDIATECOPY NO. 52

No.19/CM/2006
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 7th May, 2006
17 Vaisakha 1927 (S)

A meeting of the Cabinet will be held at 1100 hours, on Tuesday, the 9th May, 2006, in PANCHVATI, 7, Race Course Road, New Delhi, to consider the following :-

S U B J E C T S

1. Amendment of Article 243 C of the Constitution of India-Constitution (87th amendment) Bill, 1999-Proposal to reverse the decision previously taken by the Cabinet and to withdraw the Bill.
(Note dated 21.04.2006 (CD-221/2006) from the Ministry of Panchayati Raj, attached).
MINISTER OF PANCHAYATI RAJ AND MINISTER OF YOUTH AFFAIRS & SPORTS
2. Indian Regional Navigation Satellite System (IRNSS).
(Note dated 17.04.2006 (CD-223/2006) from the Department of Space, attached).
3. Strengthening of the anti-naxalite set-up in the Ministry of Home Affairs (MHA).
(Note dated 21.04.2006 (CD-220/2006) from the Ministry of Home Affairs, attached).
MINISTER OF HOME AFFAIRS
4. Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose-Action Taken Report.
(Note dated 04.05.2006 (CD-241/2006) from the Ministry of Home Affairs, attached).
- DO -
5. Re-organization of Ministry of Ocean Development as Ministry of Earth Sciences and formation of Earth Commission.
(Note dated 27.04.2006 (CD-237/2006) from the Ministry of Ocean Development, attached).
MINISTER OF SCIENCE & TECHNOLOGY AND MINISTER OF OCEAN DEVELOPMENT
6. Approach & Key components of National e-Governance Plan (NeGP)
(Note dated 17.04.2006 (CD-199/2006) from the Ministry of Communications and Information Technology, Department of Information Technology, circulated vide Cabinet Secretariat Memo. No. 16/CM/2006 dated 17.04.2006).
MINISTER OF COMMUNICATIONS & INFORMATION TECHNOLOGY

SECRET

RKS

60 Copies.

20

SECRET

- 2 -

7. Introduction of a Bill for amending Indian Telegraph Act, 1885 to provide support for cellular services from Universal Service Obligation (USO) fund.

- DO -

(Note dated 25.04.2006 (CD-222/2006) from the Ministry of Communications and Information Technology, Department of Telecommunications, attached).

8. Proposal for approval of National Environment Policy.

MINISTER OF ENVIRONMENT
& FORESTS

(Note dated 24.04.2006 (CD-224/2006) from the Ministry of Environment and Forests, attached).

9. Proposal for amendments in the Wild Life (Protection) Amendment Bill, 2005 pending in Rajya Sabha.


- DO -

(Note dated 28.04.2006 (CD-235/2006) from the Ministry of Environment and Forests, attached).

10. The Gram Nyayalayas Bill, 2006- Proposal to consider the 114th Report of the Law Commission of India on "Gram Nyayalaya" and to establish Gram Nyayalayas.

MINISTER OF LAW & JUSTICE

(Note dated 28.03.2006 (CD-182/2006) from the Ministry of Law and Justice, Legislative Department, circulated vide Cabinet Secretariat Memo. No. 16/CM/2006 dated 17.04.2006).


(K.L. Sharma)
for Cabinet Secretary
Tele : 2301 5802

To

All Members of the Cabinet.

Copy, with enclosure, forwarded to Shri Montek Singh Ahluwalia, Deputy Chairman, Planning Commission, with the request to attend the meeting.


(K.L. Sharma)
for Cabinet Secretary

Copy, with enclosure, also forwarded to Smt. Renuka Chowdhury, Minister of State (Independent Charge) of the Ministry of Women & Child Development, with the request to attend the meeting. in respect of the item 10.


(K.L. Sharma)
for Cabinet Secretary

SECRET

RKS

60 Copies.

.....3/-

SECRET

- 3 -

Copy also forwarded to Shri Prithviraj Chavan, Minister of State in the Prime Minister's Office, **with the request to attend the meeting.**



(K.L. Sharma)
for Cabinet Secretary

Copy, with enclosure, also forwarded to the following :-

Secretary to the President. (With two copies of Memo.)
Secretary to the Vice-President.



(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

RKS

60 Copies.

S.No 6 (1)

SECRET

MOST IMMEDIATE

COPY NO. 51

No.19/CM/2006(i)
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 7th May, 2006
17 Vaisakha 1927 (S)

A meeting of the Cabinet will be held at 1100 hours, on Tuesday, the 9th May, 2006, in PANCHVATI, 7, Race Course Road, New Delhi, to consider the following :-

S U B J E C T S

- | | |
|---|---|
| 1. Amendment of Article 243 C of the Constitution of India-Constitution (87th amendment) Bill, 1999-Proposal to reverse the decision previously taken by the Cabinet and to withdraw the Bill.
(Note dated 21.04.2006 (CD-221/2006) from the Ministry of Panchayati Raj, <u>attached</u>). | <u>MINISTER OF PANCHAYATI
RAJ AND MINISTER OF YOUTH
AFFAIRS & SPORTS</u> |
| 2. Indian Regional Navigation Satellite System (IRNSS).
(Note dated 17.04.2006 (CD-223/2006) from the Department of Space, <u>attached</u>). | |
| 3. Strengthening of the anti-naxalite set-up in the Ministry of Home Affairs (MHA).
(Note dated 21.04.2006 (CD-220/2006) from the Ministry of Home Affairs, <u>attached</u>). | <u>MINISTER OF HOME AFFAIRS</u> |
| 4. Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose-Action Taken Report.
(Note dated 04.05.2006 (CD-241/2006) from the Ministry of Home Affairs, <u>attached</u>). | - DO - |
| 5. Re-organization of Ministry of Ocean Development as Ministry of Earth Sciences and formation of Earth Commission.
(Note dated 27.04.2006 (CD-237/2006) from the Ministry of Ocean Development, <u>attached</u>). | <u>MINISTER OF SCIENCE &
TECHNOLOGY AND MINISTER
OF OCEAN DEVELOPMENT</u> |
| 6. Approach & Key components of National e-Governance Plan (NeGP)
(Note dated 17.04.2006 (CD-199/2006) from the Ministry of Communications and Information Technology, Department of Information Technology, <u>circulated vide</u> Cabinet Secretariat Memo. No. 16/CM/2006 dated 17.04.2006). | <u>MINISTER OF
COMMUNICATIONS &
INFORMATION TECHNOLOGY</u> |

SECRET

RKS

65 Copies.

.....2/-

9

SECRET

- 2 -

7. Introduction of a Bill for amending Indian Telegraph Act, 1885 to provide support for cellular services from Universal Service Obligation (USO) fund.
(Note dated 25.04.2006 (CD-222/2006) from the Ministry of Communications and Information Technology, Department of Telecommunications, attached).

- DO -

8. Proposal for approval of National Environment Policy.
(Note dated 24.04.2006 (CD-224/2006) from the Ministry of Environment and Forests, attached).

MINISTER OF ENVIRONMENT
& FORESTS

9. Proposal for amendments in the Wild Life (Protection) Amendment Bill, 2005 pending in Rajya Sabha.
(Note dated 28.04.2006 (CD-235/2006) from the Ministry of Environment and Forests, attached).

- DO -

10. The Gram Nyayalayas Bill, 2006- Proposal to consider the 114th Report of the Law Commission of India on "Gram Nyayalaya" and to establish Gram Nyayalayas.
(Note dated 28.03.2006 (CD-182/2006) from the Ministry of Law and Justice, Legislative Department, circulated vide Cabinet Secretariat Memo. No. 16/CM/2006 dated 17.04.2006).

MINISTER OF LAW & JUSTICE



(K.L. Sharma)
Deputy Secretary(Cabinet)
Tele : 2301 5802

To

National Security Adviser.
Principal Secretary to the Prime Minister.
Principal Information Officer.

Copy, with relevant paper(s), forwarded to the following, who have sponsored the item(s), with the request to be present at the venue of the meeting, in respect of the item(s) mentioned against each :-

	<u>Item(s)</u>
Secretary, Ministry of Panchayati Raj.	} 1
Secretary, Department of Space.	} 2
Secretary, Ministry of Home Affairs.	} 3 & 4
Secretary, Ministry of Ocean Development.	} 5

SECRET

RKS

65 Copies.

.....3/-

26

SECRET

- 3 -

Secretary, Department of Information Technology.	} 6
Secretary, Department of Telecommunications.	} 7
Secretary, Ministry of Environment and Forests.	} 8 & 9
Secretary, Legislative Department.	} 10


(K.L. Sharma)

Deputy Secretary(Cabinet)

Copy, with relevant paper(s), also forwarded to the following, **with the request to be present at the venue of the meeting.** in respect of the item(s) mentioned against each:-

	<u>Item(s)</u>
Finance Secretary.	} 2, 3, 5, 8 & 10
Secretary, Department of Economic Affairs.	} 7
Secretary, Legislative Department.	} 7 & 9
Secretary, Department of Legal Affairs.	} 4, 7, 9 & 10
Secretary, Department of Rural Development.	} 10
Secretary, Ministry of Development of North Eastern Region.	} 10
Secretary, Ministry of Panchayati Raj.	} 10
Secretary, Ministry of Tribal Affairs.	} 10


(K.L. Sharma)

Deputy Secretary(Cabinet)

Copy, with relevant paper(s), also forwarded to the following, **for information.** in respect of the item(s) mentioned against each:-

	<u>Item(s)</u>
Secretary, Legislative Department.	} 1
Secretary, Department of Legal Affairs.	} 1
Secretary, Ministry of Home Affairs.	} 1, 5, 6, 9 & 10
Secretary, Ministry of Parliamentary Affairs.	} 1, 7 & 9
Member-Secretary, Planning Commission.	} 2, 5, 7, 8, 9 & 10
Secretary, Department of Science and Technology.	} 5
Secretary, Department of Administrative Reforms and Public Grievances.	} 6
Secretary, Department of Agriculture and Cooperation.	} 6
Secretary, Department of Commerce.	} 6
Secretary, Department of Economic Affairs.	} 6
Secretary, Department of Health and Family Welfare.	} 6
Secretary, Department of Industrial Policy and Promotion.	} 6
Secretary, Department of Personnel and Training.	} 6
Secretary, Department of Revenue.	} 6
Secretary, Department of Road Transport and Highways.	} 6
Secretary, Department of Rural Development.	} 6

SECRET

RKS

65 Copies.


.....4/-

31

SECRET

- 4 -

Secretary, Department of Secondary and Higher Education.	} 6
Secretary, Ministry of Urban Development.	} 6
Secretary, Ministry of Company Affairs.	} 6
Secretary, Ministry of Labour and Employment.	} 6
Secretary, Ministry of Panchayati Raj.	} 6
Finance Secretary.	} 6 & 9
Foreign Secretary.	} 6 & 9
Secretary, Ministry of Defence.	} 9
Secretary, Ministry of Tribal Affairs.	} 9
Secretary, Department of Justice.	} 10
Secretary, Ministry of Social Justice and Empowerment.	} 10
Secretary, Ministry of Women and Child Development.	} 10


(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

RKS
65 Copies.

S.No 7 (2)

SECRET

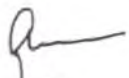
MOST IMMEDIATE
COPY NO. 51

No.19/CM/2006
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 8th May, 2006
18 Vaisakha 1928 (S)

Reference Cabinet Secretariat Memo of even number dated 7th May, 2006.

2. The meeting of the Cabinet scheduled to be held at **1100 hours, on Tuesday, the 9th May, 2006.** has been postponed to **1915 hours, on Tuesday, the 9th May, 2006.**
3. The agenda and venue of the meeting remains unchanged.


(K.L. Sharma)
for Cabinet Secretary
Tele : 2301 5802

To
All Members of the Cabinet.

Copy, with enclosure, forwarded to Shri Montek Singh Ahluwalia, Deputy Chairman, Planning Commission, **with the request to attend the meeting.**


(K.L. Sharma)
for Cabinet Secretary

Copy, with enclosure, also forwarded to Smt. Renuka Chowdhury, Minister of State (Independent Charge) of the Ministry of Women & Child Development, **with the request to attend the meeting.** in respect of the item 10.


(K.L. Sharma)
for Cabinet Secretary

Copy also forwarded to Shri Prithviraj Chavan, Minister of State in the Prime Minister's Office, **with the request to attend the meeting.**


(K.L. Sharma)
for Cabinet Secretary

Copy, with enclosure, also forwarded to the following :-

Secretary to the President. (With two copies of Memo.)
Secretary to the Vice-President.


(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

SECRET

MOST IMMEDIATE

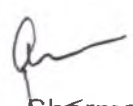
COPY NO. 67

No.19/CM/2006(i)
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 8th May, 2006
18 Vaisakha 1928 (S)

Reference Cabinet Secretariat Memo of even number dated 7th May, 2006.

2. The meeting of the Cabinet scheduled to be held at **1100 hours, on Tuesday, the 9th May, 2006** has been postponed to **1915 hours, on Tuesday, the 9th May, 2006.**
3. The agenda and venue of the meeting remains unchanged.


(K.L. Sharma)
Deputy Secretary(Cabinet)
Tele : 2301 5802

To
National Security Adviser.
Principal Secretary to the Prime Minister.
Principal Information Officer.

Copy, forwarded to the following, who have sponsored the item(s), **with the request to be present at the venue of the meeting,** in respect of the item(s) mentioned against each :-

	<u>Item(s)</u>
Secretary, Ministry of Panchayati Raj.	} 1
Secretary, Department of Space.	} 2
Secretary, Ministry of Home Affairs.	} 3 & 4
Secretary, Ministry of Ocean Development.	} 5
Secretary, Department of Information Technology.	} 6
Secretary, Department of Telecommunications.	} 7
Secretary, Ministry of Environment and Forests.	} 8 & 9
Secretary, Legislative Department.	} 10


(K.L. Sharma)
Deputy Secretary(Cabinet)

Copy, also forwarded to the following, **with the request to be present at the venue of the meeting,** in respect of the item(s) mentioned against each:-

	<u>Item(s)</u>
Finance Secretary.	} 2, 3, 5, 8 & 10
Secretary, Department of Economic Affairs.	} 7
Secretary, Legislative Department.	} 7 & 9

SECRET

SECRET

- 2 -

Secretary, Department of Legal Affairs.	} 4, 7, 9 & 10
Secretary, Department of Rural Development.	} 10
Secretary, Ministry of Development of North Eastern Region.	} 10
Secretary, Ministry of Panchayati Raj.	} 10
Secretary, Ministry of Tribal Affairs.	} 10


(K.L. Sharma)
Deputy Secretary(Cabinet)

Copy, also forwarded to the following, for information, in respect of the item(s) mentioned against each:-

	<u>Item(s)</u>
Secretary, Legislative Department.	} 1
Secretary, Department of Legal Affairs.	} 1
Secretary, Ministry of Home Affairs.	} 1, 5, 6, 9 & 10
Secretary, Ministry of Parliamentary Affairs.	} 1, 7 & 9
Member-Secretary, Planning Commission.	} 2, 5, 7, 8, 9 & 10
Secretary, Department of Science and Technology.	} 5
Secretary, Department of Administrative Reforms and Public Grievances.	} 6
Secretary, Department of Agriculture and Cooperation.	} 6
Secretary, Department of Commerce.	} 6
Secretary, Department of Economic Affairs.	} 6
Secretary, Department of Health and Family Welfare.	} 6
Secretary, Department of Industrial Policy and Promotion.	} 6
Secretary, Department of Personnel and Training.	} 6
Secretary, Department of Revenue.	} 6
Secretary, Department of Road Transport and Highways.	} 6
Secretary, Department of Rural Development.	} 6
Secretary, Department of Secondary and Higher Education.	} 6
Secretary, Ministry of Urban Development.	} 6
Secretary, Ministry of Company Affairs.	} 6
Secretary, Ministry of Labour and Employment.	} 6
Secretary, Ministry of Panchayati Raj.	} 6
Finance Secretary.	} 6 & 9
Foreign Secretary.	} 6 & 9
Secretary, Ministry of Defence.	} 9
Secretary, Ministry of Tribal Affairs.	} 9
Secretary, Department of Justice.	} 10
Secretary, Ministry of Social Justice and Empowerment.	} 10
Secretary, Ministry of Women and Child Development.	} 10


(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

RBK

65 Copies.

S.No 8 (1)


SECRET

MOST IMMEDIATE
COPY NO. 49

No.19/CM/2006
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, 12th the May, 2006
22 Vaisakha 1928 (S)

The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on 9th May, 2006 (Case Nos.161/19/2006 to 173/19/2006).


(K.L. Sharma)
for Cabinet Secretary
Tele : 2301 5802

To
All Members of the Cabinet.

Copy, with a copy of the minutes, forwarded to Shri Montek Singh Ahluwalia, Deputy Chairman, Planning Commission.


(K.L. Sharma)
for Cabinet Secretary

Copy, with a copy of the relevant minutes, also forwarded to Smt. Renuka Chowdhury, Minister of State (Independent Charge) of the Ministry of Women & Child Development the following, in respect of the case No. 170.


(K.L. Sharma)
for Cabinet Secretary

Copy, with a copy of the minutes, forwarded to Shri Prithviraj Chavan, Minister of State in the Prime Minister's Office.


(K.L. Sharma)
for Cabinet Secretary

Copy, with a copy of the minutes, also forwarded to the following :-

Secretary to the President.
Secretary to the Vice-President.


(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

RKS
65 Copies.

S.No 2 (I)


SECRET

MOST IMMEDIATE
COPY NO. 43

No.19/CM/2006(i)
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, 12th the May, 2006
22 Vaisakha 1928 (S)

The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on 9th May, 2006 (Case Nos.161/19/2006 to 173/19/2006).


(K.L. Sharma)
Deputy Secretary(Cabinet)
Tele : 2301 5802

To
Principal Secretary to the Prime Minister.

Copy, with a copy of the relevant minutes, forwarded to the following, in respect of the case(s) mentioned against each :-

	<u>Case No.(s)</u>
Secretary, Ministry of Home Affairs.	} 161, 163, 164, 165, 166, 169, 170, 172 & 173
Secretary, Department of Legal Affairs.	} 161, 164, 167, 169, 170, 171, 172 & 173
Secretary, Ministry of Panchayati Raj.	} 161, 166 & 170
Secretary, Legislative Department.	} 161, 167, 169, 170, 171, 172 & 173
Secretary, Ministry of Parliamentary Affairs.	} 161, 167, 169, 171, 172 & 173
Secretary, Department of Space.	} 162
Finance Secretary.	} 162, 163, 165, 166, 168, 169 & 170
Member-Secretary, Planning Commission.	} 162, 165, 167, 168, 169 & 170
Secretary, Ministry of Ocean Development.	} 165
Secretary, Department of Science and Technology.	} 165
Secretary, Department of Information Technology.	} 166
Secretary, Department of Agriculture and Cooperation.	} 166
Secretary, Department of Commerce.	} 166
Secretary, Department of Revenue.	} 166
Secretary, Department of Personnel and Training.	} 166
Secretary, Department of Administrative Reforms and Public Grievances.	} 166
Secretary, Department of Industrial Policy and Promotion.	} 166

SECRET

RKS

60 Copies.

2/0

SECRET

- 2 -

Secretary, Department of Secondary and Higher Education.	} 166
Secretary, Department of Road Transport and Highways.	} 166
Secretary, Ministry of Company Affairs.	} 166
Secretary, Ministry of Labour and Employment.	} 166
Secretary, Department of Health and Family Welfare.	} 166
Secretary, Department of Economic Affairs.	} 166 & 167
Foreign Secretary.	} 166 & 169
Secretary, Department of Rural Development.	} 166 & 170
Secretary, Ministry of Urban Development.	} 166 & 173
Secretary, Department of Telecommunications.	} 167
Secretary, Ministry of Environment and Forests.	} 168 & 169
Secretary, Department of Defence.	} 169
Secretary, Ministry of Tribal Affairs.	} 169 & 170
Secretary, Department of Justice.	} 170
Secretary, Ministry of Social Justice and Empowerment.	} 170
Secretary, Ministry of Development of North Eastern Region.	} 170
Secretary, Ministry of Women and Child Development.	} 170
Secretary, Ministry of Textiles.	} 171


(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

RKS
60 Copies

SECRET

Copy No. 1

No. 19/CM/2006

CABINET SECRETARIAT

EXTRACTS FROM THE MINUTES OF THE MEETING
OF THE CABINET HELD AT 1915 HOURS, ON
TUESDAY, 9TH MAY, 2006, IN PANCHVATI, 7, RACE
COURSE ROAD, NEW DELHI.

Case No.164/19/2006

Item 4

Report of Justice Mukherjee Commission of
Inquiry on the alleged disappearance of Netaji
Subhas Chandra Bose - Action Taken Report.

The Cabinet considered the note dated 04.05.2006 from the Ministry of Home Affairs (Grih Mantralaya) and:

- (i) observed that the Commission's inquiry was inconclusive in many ways, unable to provide a definitive finding on several issues and at variance with past well accepted Inquiry Commissions' findings in some critical areas; and
- (ii) directed that in the light of (i) above, the Action Taken Report specifically mention that Government did not agree with the findings that:
 - (a) Netaji did not die in the plane crash; and
 - (b) the ashes in the Renkoji Temple were not of Netaji's.

SECRET

RBK

03 Copies.

In accordance with the Rules of Procedure in Regard to Proceedings of the Cabinet (Rule 10), progress of action to implement the decision may be included in the Ministry's Monthly Summary for the information of the Members of the council of Ministers.

Action taken to implement the decision may be communicated to the Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.
